

AMENDMENTS TO LB 661

Introduced by Transportation and Telecommunications

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. Section 86-125, Revised Statutes Cumulative
4 Supplement, 2006, is amended to read:

5 86-125 Notwithstanding the provisions of section 86-124:

6 (1) A ~~wireless carrier~~ All communications providers
7 providing ~~telecommunications~~ service in Nebraska shall file
8 a registration form with and pay a registration fee to the
9 Public Service Commission. A ~~wireless carrier which provided~~
10 communications provider which provides such telecommunications
11 service prior to ~~January 1, 2003,~~ August 1, 2007, and which
12 continues to provide such ~~telecommunications~~ service on and after
13 ~~January 1, 2003,~~ August 1, 2007, shall register with the commission
14 ~~prior to April 1, 2003.~~ no later than January 1, 2008. Any
15 ~~wireless carrier~~ communications provider which begins to provide
16 ~~telecommunications~~ service in Nebraska on or after ~~January 1,~~
17 ~~2003,~~ August 1, 2007, shall register with the commission prior to
18 providing such ~~telecommunications~~ service. ~~†~~

19 (2) The commission shall prescribe the registration form.
20 ~~It to be filed pursuant to this section. Communications providers~~
21 ~~as defined in subdivision (8)(a) of this section shall include:~~
22 provide:

23 (a) The name, address, telephone number, and

1 email address of a contact person concerning the Nebraska
2 Telecommunications Universal Service Fund Act and related
3 surcharges, if applicable;

4 (b) The name, address, telephone number, and email
5 address of a contact person concerning the Telecommunications
6 Relay System Act and related surcharges, if applicable;

7 (c) The name, address, telephone number, and email
8 address of a contact person concerning the Enhanced Wireless
9 911 Services Act and related surcharges, if applicable; and

10 (d) The name, address, telephone number, and email
11 address of a contact person concerning consumer complaints and
12 inquiries. +

13 (3) Communications providers as defined in subdivision
14 (8)(b) of this section shall provide the commission with the name,
15 address, telephone number, and email address of a person with
16 managerial responsibility for Nebraska operations.

17 ~~(3)~~ (4) The wireless carrier communications provider
18 shall submit a registration fee with at the time of submission
19 of the registration form. The commission shall set the fee by
20 rule and regulation in an amount sufficient to cover the costs
21 of administering the registration process but not to exceed fifty
22 dollars. +

23 ~~(4)~~ (5) The wireless carrier communications provider
24 shall keep the information required by this section current and
25 shall notify the commission of any changes to such information
26 within sixty days after the change. +

27 ~~(5)~~ (6) The commission may administratively fine pursuant

1 to section 75-156 any ~~wireless carrier~~ communications provider
2 which violates this section. ~~and~~

3 ~~(6)~~ (7) This section applies to all communications
4 providers providing service in Nebraska except for those
5 communications providers otherwise regulated under the Nebraska
6 Telecommunications Regulation Act. For purposes of this section,
7 wireless carrier means any person offering mobile radio service,
8 radio paging service, or wireless telecommunications service for a
9 fee in Nebraska intrastate commerce.

10 (8) For purposes of this section, communications provider
11 means any entity that:

12 (a) Uses telephone numbers or Internet protocol
13 addresses or their functional equivalents or successors to provide
14 information of a user's choosing by aid of wire, cable, wireless,
15 satellite, or other like connection, whether part of a bundle
16 of services or offered separately (i) which provides or enables
17 real-time or interactive voice communications and (ii) in which the
18 voice component is the primary function; or

19 (b) Provides any service, whether part of a bundle
20 of services or offered separately, used for transmission of
21 information of a user's choosing regardless of the transmission
22 medium or technology employed, that connects to a network that
23 permits the end user to engage in electronic communications,
24 including, but not limited to, service provided directly (i) to
25 the public or (ii) to such classes of users as to be effectively
26 available directly to the public.

27 Sec. 2. Section 86-140, Revised Statutes Cumulative

1 Supplement, 2006, is amended to read:

2 86-140 (1) Access charges imposed by telecommunications
3 companies for access to a local exchange network for interexchange
4 service shall be negotiated by the telecommunications companies
5 involved. Any affected telecommunications company may apply for
6 review of such charges by the commission, or the commission may
7 make a motion to review such charges. Upon such application or
8 motion and unless otherwise agreed to by all parties thereto, the
9 commission shall, upon proper notice, hold and complete a hearing
10 thereon within ~~sixty~~ ninety days of the filing. The commission
11 may, within sixty days after the close of the hearing, enter
12 an order setting access charges which are fair and reasonable.
13 The commission shall set an access charge structure for each
14 local exchange carrier but may order discounts where there is not
15 available access of equal type and quality for all interexchange
16 carriers, except that the commission shall not order access charges
17 which would cause the annual revenue to be realized by the local
18 exchange carrier from all interexchange carriers to be less than
19 the annual costs, as determined by the commission based upon
20 evidence received at hearing, incurred or which will be incurred by
21 the local exchange carrier in providing such access services. Any
22 actions taken pursuant to this subsection shall be substantially
23 consistent with the federal act and federal actions taken under its
24 authority.

25 (2) Reductions made to access charges pursuant to
26 subsection (1) of this section shall be passed on to the customers
27 of interexchange service carriers in Nebraska whose payment of

1 charges ~~have~~ has been reduced. The commission shall have the power
2 and authority to (a) ensure that any access charge reductions made
3 pursuant to subsection (1) of this section are passed on in a
4 manner that is fair and reasonable and (b) review actions taken
5 by any telecommunications company to ensure that this subsection
6 is carried out.

7 (3) For purposes of this section, access charges means
8 the charges paid by telecommunications companies to local exchange
9 carriers in order to originate and terminate calls using local
10 exchange facilities.

11 Sec. 3. Section 86-313, Revised Statutes Cumulative
12 Supplement, 2006, is amended to read:

13 86-313 (1)(a) Each telephone company in Nebraska shall
14 collect from each of the telephone subscribers a surcharge not to
15 exceed twenty cents per month on each telephone access line number
16 or functional equivalent in Nebraska, including ~~cellular telephone~~
17 wireless service as defined in section 22 of this act. The Except
18 for wireless service, the surcharge shall only be collected on
19 the first one hundred telephone ~~access lines~~ numbers or functional
20 equivalents per subscriber. The companies shall add the surcharge
21 to each subscriber's ~~local telephone~~ bill.

22 (b) The telephone companies are not liable for any
23 surcharge not paid by a subscriber, ~~and are not obligated to take~~
24 ~~legal action to collect the surcharge.~~

25 (2) Before April 1 of each year, the commission shall
26 hold a public hearing to determine the amount of surcharge
27 necessary to carry out the Telecommunications Relay System Act.

1 After the hearing, the commission shall set the surcharge at
2 the level necessary to fund the statewide telecommunications
3 relay system and the specialized telecommunications equipment
4 program for the following year plus a reasonable reserve. The
5 surcharge shall become effective on July 1 following the change.
6 ~~The amount appropriated for the specialized telecommunications~~
7 ~~equipment program from the fund shall not exceed the revenue~~
8 ~~generated by one cent of the surcharge per month.~~

9 (3) In an emergency the commission may adjust the amount
10 of the surcharge to become effective before such date but only
11 after a public hearing for such purpose.

12 (4) The proceeds from the surcharge shall be remitted to
13 the commission monthly no later than thirty days after the end of
14 the month in which they were collected together with forms provided
15 by the commission. The commission shall remit the funds to the
16 State Treasurer for credit to the fund.

17 (5) The commission may require an audit of any telephone
18 company collecting the surcharge pursuant to the act.

19 (6) This section shall not apply to subscribers who have
20 no access to relay service.

21 Sec. 4. Section 86-316, Revised Statutes Cumulative
22 Supplement, 2006, is amended to read:

23 86-316 Sections 86-316 to 86-329 and section 6 of
24 this act shall be known and may be cited as the Nebraska
25 Telecommunications Universal Service Fund Act.

26 Sec. 5. Section 86-318, Revised Statutes Cumulative
27 Supplement, 2006, is amended to read:

1 86-318 For purposes of the Nebraska Telecommunications
2 Universal Service Fund Act, the definitions found in sections
3 86-319 to 86-322 and section 6 of this act apply.

4 Sec. 6. Telecommunications means the transmission between
5 or among points specified by the user of information of the user's
6 choosing without change in the form or content of the information
7 as sent and received.

8 Sec. 7. Section 86-322, Revised Statutes Cumulative
9 Supplement, 2006, is amended to read:

10 86-322 Telecommunications company means any natural
11 person, firm, partnership, limited liability company, corporation,
12 or association ~~offering~~ providing telecommunications or
13 telecommunications service for hire in Nebraska ~~intrastate~~
14 ~~commerce~~ without regard to whether such company holds a certificate
15 of convenience and necessity as a telecommunications common carrier
16 or a permit as a telecommunications contract carrier from the
17 commission.

18 Sec. 8. Section 86-323, Revised Statutes Cumulative
19 Supplement, 2006, is amended to read:

20 86-323 The Legislature declares that it is the policy of
21 the state to preserve and advance universal service based on the
22 following principles:

23 (1) Quality telecommunications and information services
24 should be available at just, reasonable, and affordable rates;

25 (2) Access to advanced telecommunications and information
26 services should be provided in all regions of the state;

27 (3) Consumers in all regions of the state, including

1 low-income consumers and those in rural and high-cost areas,
2 should have access to telecommunications and information services,
3 including interexchange services and advanced telecommunications
4 and information services, that are reasonably comparable to those
5 services provided in urban areas and that are available at
6 rates that are reasonably comparable to rates charged for similar
7 services in urban areas;

8 (4) All providers of telecommunications ~~services~~ should
9 make an equitable and nondiscriminatory contribution to the
10 preservation and advancement of universal service;

11 (5) There should be specific, predictable, sufficient,
12 and competitively neutral mechanisms to preserve and advance
13 universal service. Funds for the support of high-cost service
14 areas will be available only to the designated eligible
15 telecommunications companies providing service to such areas. Funds
16 for the support of low-income customers, schools, libraries, and
17 providers of health care to rural areas will be available to
18 any entity providing telecommunications services, maintenance, and
19 upgrading of facilities. The distribution of universal service
20 funds should encourage the continued development and maintenance of
21 telecommunications infrastructure;

22 (6) Elementary and secondary schools, libraries, and
23 providers of health care to rural areas should have access
24 to advanced telecommunications services as described in the
25 Telecommunications Act of 1996. To promote the efficient use
26 of facilities in rural areas, universal service rules should
27 not preclude the sharing of facilities supported by universal

1 service funds with other local users, if such ineligible users pay
2 appropriate retail usage rates to the telecommunications company;

3 (7) The implicit support mechanisms in intrastate access
4 rates throughout the state may be replaced while ensuring that
5 local service rates in all areas of the state remain affordable;
6 and

7 (8) The costs of administration of the Nebraska
8 Telecommunications Universal Service Fund should be kept to a
9 minimum.

10 Sec. 9. Section 86-420, Revised Statutes Cumulative
11 Supplement, 2006, is amended to read:

12 86-420 Sections 86-420 to 86-441.01 and section 11 of
13 this act shall be known and may be cited as the Emergency Telephone
14 Communications Systems Act.

15 Sec. 10. Section 86-422, Revised Statutes Cumulative
16 Supplement, 2006, is amended to read:

17 86-422 For purposes of the Emergency Telephone
18 Communications Systems Act, the definitions found in sections
19 86-423 to 86-434 and section 11 of this act apply.

20 Sec. 11. Primary place of use means the residential
21 or business street address that is representative of the primary
22 location of the customer's use of a service that includes the
23 provision of 911 service.

24 Sec. 12. Section 86-433, Revised Statutes Cumulative
25 Supplement, 2006, is amended to read:

26 86-433 Service surcharge means a charge set by a
27 governing body and assessed on ~~each local exchange access line~~

1 ~~which physically terminates each telephone number or functional~~
2 ~~equivalent of service users whose primary place of use is~~
3 within the governing body's designated 911 service area, with
4 the exception of those service users served by wireless carriers
5 as defined in section 86-456 and those service users who have no
6 access to 911 service.

7 Sec. 13. Section 86-434, Revised Statutes Cumulative
8 Supplement, 2006, is amended to read:

9 86-434 Service user means any person who is provided
10 ~~local exchange access line~~ 911 service in this state.

11 Sec. 14. Section 86-435, Revised Statutes Cumulative
12 Supplement, 2006, is amended to read:

13 86-435 (1) A governing body may incur any nonrecurring or
14 recurring charges for the installation, maintenance, and operation
15 of 911 service and shall pay such costs out of general funds which
16 may be supplemented by funds from the imposition of a service
17 surcharge. A governing body incurring costs for 911 service may
18 impose a uniform service surcharge of up to fifty cents per
19 month on each ~~local exchange access line physically terminating in~~
20 telephone number or functional equivalent of service users whose
21 primary place of use is within the governing body's 911 service
22 area, except for those service users served by wireless carriers
23 as defined in section 86-456 and those service users who have no
24 access to 911 service. The initial service surcharge may be imposed
25 at any time subsequent to the execution of an agreement for 911
26 service with a service supplier.

27 (2) Except in a county containing a city of the

1 metropolitan class, such uniform service surcharge in subsection
2 (1) of this section may be increased by an additional amount not
3 to exceed fifty cents per month. Such additional increase shall be
4 made only after:

5 (a) Publication of notices for a public hearing. Such
6 notices shall:

7 (i) Be published at least once a week for three
8 consecutive weeks in a legal newspaper published or of general
9 circulation in the areas affected;

10 (ii) Set forth the time, place, and date of such public
11 hearing; and

12 (iii) Set forth the purpose of the public hearing and the
13 purpose of the increase; and

14 (b) A public hearing is held pursuant to such notices.

15 (3) If 911 service is to be provided for a territory
16 which is included in whole or in part in the jurisdiction of
17 two or more governing bodies, the agreement for such service
18 shall be entered into by each such governing body unless any
19 such governing body expressly excludes itself from the agreement.
20 Such an agreement shall provide that each governing body which
21 is a customer of 911 service will pay for its portion of the
22 service. Nothing in this subsection shall be construed to prevent
23 two or more governing bodies from entering into a contract which
24 establishes a separate legal entity for the purpose of entering
25 into such an agreement as the customer of the service supplier or
26 any supplier of equipment for 911 service.

27 (4) If a governing body's 911 service area includes

1 a local exchange area which intersects governmental boundary
2 lines, the affected governmental units may cooperate to provide
3 911 service through an agreement as provided in the Interlocal
4 Cooperation Act or the Joint Public Agency Act. The agreement shall
5 provide for the assessment of a uniform service surcharge within
6 a governing body's 911 service area. The service surcharge on
7 each local exchange access line physically terminating in telephone
8 number or functional equivalent of service users whose primary
9 place of use is within the governing body's 911 service area,
10 except for those service users served by wireless carriers as
11 defined in section 86-456 and those service users who have no
12 access to 911 service, shall be the same as the amount allowed in
13 subsections (1) and (2) of this section.

14 (5) Funds generated by the service surcharge
15 shall be expended only for the purchase, installation,
16 maintenance, and operation of telecommunications equipment and
17 telecommunications-related services required for the provision of
18 911 service.

19 Sec. 15. Section 86-436, Revised Statutes Cumulative
20 Supplement, 2006, is amended to read:

21 86-436 (1) A service user shall pay service surcharges
22 in each 911 service area where the service user has ~~local exchange~~
23 ~~access line service~~ its primary place of use and receives 911
24 service, except that an individual service user shall not be
25 required to pay on a single periodic billing service surcharges
26 on more than one hundred ~~local exchange access lines, or their~~
27 ~~equivalent,~~ telephone numbers or functional equivalents, in any

1 single 911 service area. Every service user shall be liable for any
2 service surcharge billed to such user until the surcharge has been
3 paid to the service supplier.

4 (2) The duty of a service supplier to bill a service
5 surcharge to a service user shall commence at such time as may
6 be specified by the governing body. A service surcharge shall be
7 collected as far as practicable at the same time as and along with
8 the charges for ~~local exchange access lines~~ service in accordance
9 with the regular billing practice of the service supplier.

10 (3) A service supplier shall have no obligation to take
11 any legal action to enforce the collection of any service surcharge
12 imposed pursuant to section 86-435. Such action may be brought by
13 or on behalf of the governing body imposing the charge or the
14 separate legal entity formed pursuant to such section. A service
15 supplier shall annually provide the governing body a list of the
16 amounts uncollected along with the names and addresses of those
17 service users who carry a balance that can be determined by the
18 service supplier to be for nonpayment of any service surcharge. The
19 service supplier shall not be liable for such uncollected amounts.

20 Sec. 16. Section 86-442, Revised Statutes Cumulative
21 Supplement, 2006, is amended to read:

22 86-442 Sections 86-442 to 86-470 and sections 18, 19, 20,
23 and 22 of this act shall be known and may be cited as the Enhanced
24 Wireless 911 Services Act.

25 Sec. 17. Section 86-443, Revised Statutes Cumulative
26 Supplement, 2006, is amended to read:

27 86-443 For purposes of the Enhanced Wireless 911 Services

1 Act, the definitions found in sections ~~86-443.01~~ 86-444 to 86-456
2 and sections 18, 19, 20, and 22 of this act apply.

3 Sec. 18. Home service provider means a telecommunications
4 company as defined in section 86-322 that has contracted with a
5 customer to provide wireless service.

6 Sec. 19. Prepaid wireless service means a wireless
7 service for which the user pays prospectively and for which
8 the wireless carrier does not have an ongoing monthly billing
9 relationship with the user of such service.

10 Sec. 20. Primary place of use means: (1) For users
11 of wireless service other than prepaid wireless service, the
12 street address representative of where the use of wireless service
13 primarily occurs. The place of primary use shall be the residential
14 street address or the primary business street address of the user
15 of the wireless service and shall be within the service area of
16 the home service provider; and (2) for users of prepaid wireless
17 service, the location associated with the telephone number assigned
18 to the user.

19 Sec. 21. Section 86-456, Revised Statutes Cumulative
20 Supplement, 2006, is amended to read:

21 86-456 Wireless carrier means (1) any carrier of mobile
22 service as referenced in 47 U.S.C. 153(27), as such section existed
23 on January 1, ~~2006,~~ 2007, (2) any carrier of commercial mobile
24 service as referenced in 47 U.S.C. 332(d)(1), as such section
25 existed on January 1, ~~2006,~~ 2007, (3) any carrier of commercial
26 mobile radio service as referenced in 47 C.F.R. 20.9, as such
27 regulation existed on January 1, ~~2006,~~ 2007, or (4) any cellular

1 radiotelephone service, licensees of a personal communications
2 service, and specialized mobile radio services as referenced in 47
3 C.F.R. 20.9, as such regulation existed on January 1, ~~2006-~~2007.

4 Sec. 22. Wireless service means: (1) Any mobile service
5 as defined in 47 U.S.C. 153 and 47 C.F.R. 27.4, as such section and
6 regulation existed on January 1, 2007; (2) any commercial mobile
7 service as defined in 47 U.S.C. 332(d), as such section existed
8 on January 1, 2007; or (3) any commercial mobile radio service as
9 referenced in 47 C.F.R. 20.9, as such regulation existed on January
10 1, 2007.

11 Sec. 23. Section 86-457, Revised Statutes Cumulative
12 Supplement, 2006, is amended to read:

13 86-457 ~~(1)~~ Each wireless carrier who has a customer,
14 other than a prepaid customer or a customer in a county containing
15 a city of the metropolitan class, whose primary place of use is
16 in Nebraska, shall collect a surcharge of up to seventy cents per
17 month per access line. Each wireless carrier who has a customer in
18 a county containing a city of the metropolitan class shall collect
19 a surcharge of not more than fifty cents per month per access line.
20 The wireless carrier shall add the surcharge to each customer's
21 billing statement. The wireless carrier is not liable for any
22 surcharge not paid by a customer and is not obligated to take
23 legal action to collect the surcharge. The surcharge shall appear
24 as a separate line-item charge on the customer's billing statement
25 and shall be labeled as "Enhanced Wireless 911 Surcharge" or a
26 reasonable abbreviation of such phrase. The commission may take any
27 legal action as it deems necessary to collect unpaid surcharges in

1 its own name, as a real party in interest, or by assigning such
2 debt for collection to a third party.

3 (2) If a wireless carrier resells its services through
4 other entities, each reseller shall collect the surcharge from
5 its subscribers and shall remit the surcharge in accordance with
6 section 86-459.

7 (3) Beginning on July 1, 2007, each wireless carrier who
8 has a prepaid customer shall remit a surcharge from each prepaid
9 customer in the amount established in subsection (1) of this
10 section. A wireless carrier may collect such surcharge from prepaid
11 customers using one of the following methods:

12 (a) The wireless carrier shall divide the total earned
13 prepaid wireless telephone revenue received by the wireless carrier
14 within the monthly reporting period by fifty dollars and multiply
15 the quotient by the surcharge amount;

16 (b) The wireless carrier shall collect on a monthly
17 basis the surcharge from each customer's active, prepaid account.
18 A customer with two or more active, prepaid accounts shall be
19 assessed a separate surcharge for each active, prepaid account; or

20 (c) A wireless carrier shall remit the surcharge upon
21 the activation of the active, prepaid account and upon each
22 replenishment of additional minutes purchased by the prepaid
23 customer.

24 (1) Each wireless carrier shall collect:

25 (a) A surcharge of up to seventy cents, except as
26 provided in subdivision (1)(b) of this subsection and as otherwise
27 provided in this section with respect to prepaid wireless service,

1 on all active telephone numbers or functional equivalents every
2 month from users of wireless service and shall remit the surcharge
3 in accordance with section 86-459; or

4 (b) A surcharge of up to fifty cents, except as otherwise
5 provided in this section with respect to prepaid wireless service,
6 on all active telephone numbers or functional equivalents every
7 month from users of wireless service whose primary place of use is
8 in a county containing a city of the metropolitan class and shall
9 remit the surcharge in accordance with section 86-459.

10 The wireless carrier is not liable for any surcharge not
11 paid by a customer.

12 (2) Except as otherwise provided in this section, the
13 wireless carrier shall add the surcharge to each user's billing
14 statement. The surcharge shall appear as a separate line-item
15 charge on the user's billing statement and shall be labeled as
16 "Enhanced Wireless 911 Surcharge" or a reasonable abbreviation of
17 such phrase.

18 (3) If a wireless carrier, except as otherwise provided
19 in this section, resells its service through other entities, each
20 reseller shall collect the surcharge from its customers and shall
21 remit the surcharge in accordance with section 86-459.

22 (4) It is the intent of the Legislature that, effective
23 July 1, 2007, all users of prepaid wireless services pay an amount
24 comparable to the amount paid by users of wireless services that
25 are not prepaid in support of statewide wireless enhanced 911
26 service. It is also the intent of the Legislature that whenever
27 possible such amounts be collected from the users of such prepaid

1 wireless services.

2 (5) The commission shall establish surcharges comparable
3 to the surcharge assessed on other users of wireless services
4 and shall develop methods for collection and remittance of
5 such surcharges from wireless carriers offering prepaid wireless
6 services.

7 (6) The duty to remit any surcharges established pursuant
8 to subsection (5) of this section is the responsibility of the
9 wireless carrier.

10 (7) This section shall not apply to users who have no 911
11 service.

12 Sec. 24. Section 86-459, Revised Statutes Cumulative
13 Supplement, 2006, is amended to read:

14 86-459 (1) Each wireless carrier shall remit monthly
15 to the commission the amount of surcharge amounts collected
16 pursuant to section 86-457 together with any forms required by
17 the commission no later than sixty days after the last day of the
18 month. The commission shall remit the funds to the State Treasurer
19 for credit to the Enhanced Wireless 911 Fund.

20 (2) As the commission may require, each wireless carrier
21 shall report to the commission on a quarterly basis for each
22 county in a manner prescribed by the commission the following
23 information: (a) The number of ~~wireless lines, including prepaid~~
24 ~~customers, telephone numbers or functional equivalents served; by~~
25 ~~county;~~ (b) the number of ~~wireless lines, including active, prepaid~~
26 ~~accounts, telephone numbers or functional equivalents~~ from which
27 it has collected surcharge revenue; ~~by county;~~ (c) the number

1 of wireless towers by county; and (d) the current implementation
2 status of enhanced wireless 911 service in each county served by
3 that wireless carrier.

4 (3) The wireless carrier shall maintain ~~surecharge~~ all
5 records required by this section, records of the amounts collected
6 pursuant to section 86-457, and remittance records for a period
7 of ~~two~~ five years after the date of remittance to the fund.
8 The commission may ~~at its own expense~~ require an audit of any
9 wireless carrier's books and records concerning the collection and
10 remittance of ~~the surecharge~~ any amounts collected pursuant to the
11 Enhanced Wireless 911 Services Act. The costs of any audit required
12 by the commission shall, at the commission's discretion, be paid
13 by the audited wireless carrier. A wireless carrier shall not be
14 required to pay for more than one remittance audit or more than one
15 collection audit per year, unless the commission orders subsequent
16 audits for good cause.

17 (4) Each wireless carrier shall comply with all
18 commission rules and regulations regarding enhanced wireless 911
19 service.

20 (5) Each wireless carrier shall comply with this section
21 regardless of whether the wireless carrier receives reimbursement
22 from the fund. Wireless carriers failing to comply with this
23 section may be administratively fined by the commission pursuant to
24 section 75-156.

25 Sec. 25. Section 86-461, Revised Statutes Cumulative
26 Supplement, 2006, is amended to read:

27 86-461 (1) The Enhanced Wireless 911 Advisory Board is

1 created to advise the commission concerning the implementation,
2 development, administration, coordination, evaluation, and
3 maintenance of enhanced wireless 911 service. The advisory board
4 shall be composed of ~~ten~~ nine individuals appointed by the
5 Governor, including:

6 (a) One sheriff;

7 (b) Two county officials or employees;

8 (c) Two municipal officials or employees;

9 (d) ~~Two representatives~~ One representative from the
10 state's wireless telecommunications industry;

11 (e) One manager of a public safety answering point not
12 employed by a sheriff;

13 (f) One representative of the state's local exchange
14 telecommunications service industry; and

15 ~~(g) One commissioner from the Public Service Commission~~
16 ~~or his or her designee who shall serve as an ex officio member; and~~

17 (g) One member of the public.

18 (2) The advisory board shall also include two ex officio
19 members:

20 (a) One commissioner from the Public Service Commission
21 or his or her designee; and

22 ~~(h) (b) The Chief Information Officer or his or her~~
23 ~~designee, who shall serve as an ex officio member.~~

24 ~~(2) (3) Members of the board as described in subdivisions~~
25 ~~(1) (a) through (1) (f) (1) (g) of this section shall be appointed for~~
26 ~~a term of three years. Each succeeding member of the board shall be~~
27 ~~appointed for a term of three years. The board shall meet as often~~

1 as necessary to carry out its duties. Members of the board shall be
2 reimbursed for their actual and necessary expenses as provided in
3 sections 81-1174 to 81-1177.

4 Sec. 26. Sections 16, 17, 18, 19, 20, 21, 22, 23, and 29
5 of this act become operative on July 1, 2007. Sections 1, 2, and 28
6 of this act become operative on August 1, 2007. The other sections
7 of this act become operative on their effective date.

8 Sec. 27. Original sections 86-313, 86-316, 86-318,
9 86-322, 86-323, 86-420, 86-422, 86-433, 86-434, 86-435, 86-436,
10 86-459, and 86-461, Revised Statutes Cumulative Supplement, 2006,
11 are repealed.

12 Sec. 28. Original sections 86-125 and 86-140, Revised
13 Statutes Cumulative Supplement, 2006, are repealed.

14 Sec. 29. Original sections 86-442, 86-443, 86-456, and
15 86-457, Revised Statutes Cumulative Supplement, 2006, are repealed.

16 Sec. 30. The following sections are outright repealed:
17 Sections 86-427, 86-443.01, and 86-450.01, Revised Statutes
18 Cumulative Supplement, 2006.

19 Sec. 31. Since an emergency exists, this act takes effect
20 when passed and approved according to law.